

By

**LOUIS
COLMAN**

NIGHT RIDERS IN GALLUP

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"THIS is essentially a trade union question, and we already see in New Mexico the beginning of a solid trade union front. The International Labor Defense's splendid work must be broadened to include all trade unions in its defense movement" — Robert Minor, internationally famous labor leader, and chairman of the National Gallup Defense Committee of the International Labor Defense, to reporters who asked him for a statement after his kidnapping, together with David Levinson, well-known I.L.D. lawyer, at Gallup, New Mexico, May 2, 1935.

Minor and Levinson were preparing the defense of ten militant Gallup miners framed on murder charges, when they were kidnapped and beaten. The terror that spreads its fascist wings over New Mexico, the defense of the ten Gallup coal-miners, and the background of the frame-up, are the subject of this pamphlet.

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Chapter I.

The Kidnapping

THE Plaza at Gallup, New Mexico, the very center of a coal-mining and Indian trading center, is a busy, bustling, place. But every night, around eleven or eleven-thirty, it quickly becomes deserted. Passers-by rapidly diminish, and the infrequent sounds of footsteps and voices echo loudly. At ten o'clock at night, however, in decent weather, it is by no means deserted.

At ten o'clock on the night of May 2, three people sat in a car parked in the center of this Plaza, in front of the low stuccoed building of the El Navajo hotel. They were Robert Minor, one of the most famous and best beloved of American labor leaders, and the chairman of the National Gallup Defense Committee; David Levinson, internationally known labor lawyer, retained by the Defense Committee and the International Labor Defense, and Mrs. Julia Bartol. They had been sitting there since 9:15.

Mrs. Bartol is the wife of Joe Bartol, president of the Gallup local of the United Mine Workers of America, financial secretary of the Gallup branch of the I.L.D., and one of ten men charged with murder in one of the rawest frame-ups in American history. Minor and Levinson were in Gallup to confer with her and with other important witnesses on the organization of the defense of the Gallup ten. They and other members of the defense committee had come from Santa Fe that day, and had set up headquarters in the El Navajo. Caution against the use of dictaphones, however, dictated that they should hold their present conference in the middle of the Plaza, in Mrs. Bartol's car.

Just about ten o'clock, two cars approached, circled slowly, around the parked automobile, and went off down a side street. In a few moments they returned, with a third car, drew up beside Mrs. Bartol's, and stopped. A group of three men stepped out of

them. Black masks like hoods, with slits for the eyes, covered their faces.

They closed in around the parked car, opened its doors, and held revolvers on the three inside.

"Don't make a sound!" one of them, a leader, ordered.

Minor, Levinson, and Mrs. Bartol, shouted defiance.

A rain of blows answered them. A gun was poked roughly into Mrs. Bartol's ribs. A pistol-butt knocked Minor unconscious as he resisted. He and Levinson were dragged out and thrown on the floor of two different machines, which drove off rapidly toward the north. Mrs. Bartol started up her car, but one of the men stepped out of the third machine and levelled a pistol at her.

"Shut up and stay put, or we'll take you for a ride too," he said.

By this time the first two cars were long out of sight. The third soon followed them.

From the hotel Navajo, Mrs. Bartol called the police station. There was no answer. The sheriff. There was no answer. She called Governor Clyde Tingley at El Paso. He answered: How did he know there had really been a kidnapping? She was the only witness? He'd have to have "proof" before he did anything.

For ten hours nothing more was heard of Minor and Levinson.

In the morning, Sheriff D. Roberts said it was "a funny case" and sent out a searching party—in the direction opposite to that which the kidnappers' cars had taken.

But in the meanwhile, the friends of the Gallup miners, all over the country, roused by the news of the kidnapping, were not idle. Never before in America was such a protest movement organized in such a short time as on May 3, 1935. Workers' organizations, informed by the I.L.D. and through the press of the kidnapping, kept the telegraph wires to Santa Fe and to Washington burning. Lawyers, liberals, intellectuals, outraged by the Gallup violence, joined in. So great was the protest that a demand was made on the floor of the house of representatives for a federal investigation of the terror in New Mexico. Senators, deluged with

demands for federal action, stirred the Department of Justice into gestures of action. Governor Tingley, astonished and impressed by the nation-wide solidarity, ordered airplanes to search the desert. No longer in a position to continue their denial, state police officially admitted the kidnapping was "genuine."

Let Attorney Levinson tell in his own words what happened in the meanwhile to himself and Minor:

"I lost consciousness and when I came to was again beaten (in the car) and remained unconscious until shortly before the conclusion of the ride. I was then beaten on the head, dragged out and thrown on the ground, bleeding profusely, kicked on the knees and left again.

"I heard Minor asking for his fountain pen. 'You won't need it in hell,' they told him. I could not see him. A hood was placed over my head. I was sure they were going to hang us. I was dragged into an upright position and asked if I had anything to say.

"I told them I was always the workingman's lawyer and came out here at the request of the International Labor Defense to accept conduct of the case as chief counsel for forty-eight working men and women, faced with first-degree murder charges, whom I believed innocent, and that my purpose in Gallup was to fight for their constitutional rights.

"Some one yelled 'We don't want speeches.' I continued and was knocked to the ground. My pockets were rifled of all contents, but my money was returned. Then the apparent leader shouted, 'Get out of here and stay out of here, and if you come back, we will kill you.'

Levinson and Minor helped each other untie the sacks that had been put over their heads. The sacks were soaked with blood. They saw the lights of several cars disappear over the desert. Bruised and beaten, they began to walk.

A heavy rainstorm—the kind of cloudburst that only the desert knows—descended upon them, turning the ground under their feet to slushy mud. With two short rests in uninhabited huts, they walked over the desert until almost noon—for twelve hours—before they found the hut of a Navajo Indian, who gave them blankets

to wrap around them, and helped them get to Indian Hospital, at Tohatchi, New Mexico.

In the hospital, they rested.

Over the wires flashed the message that Minor and Levinson were safe.

"We're going back to Gallup to finish our work of organizing the defense of the Gallup miners," they announced.

Governor Tingley, pressed by the flood of protest, furnished them with a police escort. They were back at their labors the same day.

Assistant District Attorney C. R. McIntosh, of Gallup, opened what he called an "inquiry." His idea of an inquiry was to sit and insult the victims of the kidnapping. Anything to protect the lawlessness of the "law", which was obviously directly involved in the abduction of a defense lawyer and the head of a defense committee. When Minor protested against his tactics, he declared the "incident closed."

That much for Gallup "law."

As Minor told McIntosh, "The kidnappers are safe in your hands."

It was in this way that the forces of violence of Gallup brought before the people of America what the whole capitalist press had tried for nearly a month to hide. In their confidence, bred of this silence of the press of the country as a whole together with the lynch-incitement of the local papers, they eagerly sought to "cinch" their legal lynching against the ten Gallup miners by "frightening away" the forces of defense. The forces of the working-class defense, however, have a habit of not being frightened away.

Chapter II.

The Story Behind

The story behind the Gallup kidnapping—a true epic of working-class struggle, goes back deep into the history of corruption

and inhuman exploitation by American capitalism. The latest episode opened on April 4 of this year, but to understand it properly we must go back to August, 1933, when the miners of Gallup went out on strike for living-wages and recognition of their union.

The Gallup-American Coal Company, a Morgan-controlled corporation, and Governor Arthur Seligman (now dead) lost no time in calling out the troops and declaring martial law. Their first move ended unhappily. The National Guardsmen they brought in were local boys. They refused to fire on the miners, and had to be sent home. The next batch of troops was recruited among the more strong-backed and weak-minded of the athletes gracing the state-endowed schools, and proved more trustworthy and conveniently nervous. The terror was on. Wholesale arrests were made, of men and women, by the soldiers. Scores were shut up in the local stockade. The miners stubbornly refused to go to work. They refused to stop picketing. Their women-folk relieved them on the picket-line. The troops charged on men and women alike with bayonets. Scores were wounded. Hundreds were gassed. A scab agent in the form of a U.M.W.A. official, under the eyes and protection of the soldiers, drove slowly past the picket-line, squirting acid into the eyes of the women pickets.

When Martha Roberts, one of the women strike leaders—the local press called her an “outside agitator”—was arrested, 2,000 school-children went on strike, and picketed the jail in mass formation, demanding her release.

Drumhead court-martials were organized—under no authority of law and in direct violation of the constitution—and strike leaders were sentenced by them to long terms in jail. The strike continued, more militant than ever, with added demands—the freedom of those imprisoned, and withdrawal of the sentences against them.

The Gallup miners won one of the most heroic battles of American labor history. Not a striker or strike leader was in jail when they went back to work.

Chapter III.

Gamerco Plots Murder

Gradually, through shiftings and maneuverings, over the last 14 months, the Gamerco (Gallup-American Coal Company), laid off and never re-hired, many of the most militant leaders of that strike. They were blacklisted. The company was not satisfied. They wanted to persecute and drive these men out of town. The spread-the-hunger stagger system with which they tried to mask their exploitation would only work so far and no farther. In February, for example, according to government figures, employment of bituminous coal miners in New Mexico rose 1.5 per cent over employment for January, but at the same time, the total amount of wages dropped by 6.2 per cent. They knew they couldn't get away with it forever, and were determined to rid themselves of the leaders of the miners, whether employed or unemployed.

Years ago, the miners of Gallup, out of their meager savings, and usually with their own labor, erected homes on a tract of land, title to which is still in doubt, which grew to be a suburb of Gallup, known as Chihuahuita. Among these were many of the leaders of the 1933 strike. Horace Moses, local head of Gamerco, claimed title to the land on behalf of his company and the Morgan Guaranty Trust Company of New York. The miners had been paying rent. He evolved a scheme to get rid of them.

These corporations transferred whatever interest they may have had in the land to a dummy, State Senator Clarence Vogel, local junk dealer and politician, who served notice on the miners that they must either buy the land their houses stood on at fantastic prices, or get out. The miners refused, and he brought eviction suits against them.

The inhabitants of Chihuahuita organized to resist the evictions. The first to be evicted was Victor Campos. His neighbors tore

down the boards that had been nailed over his door, and put his furniture in again.

Next day, Campos, his wife, and a neighbor, Exiquio Navarro, a U.M.W.A. member and a militant fighter during and since the 1933 strike, were arrested, charged with breaking and entering into the house.

On April 4, they came up for trial.

Schooled by the experiences of the terror during the 1933 strike, the workers of Gallup formed a strong I.L.D. branch, and they organized a militant working-class defense. A hundred or more miners appeared to pack the court at the hearing. They found the door locked in their faces.

Inside, Campos, seeing the room empty of all but thugs and politicians, demanded an adjournment until the I.L.D. could get him a lawyer. The militant demonstration impressed Justice of the Peace William Bickell, and he granted the adjournment. What happened next has not yet been fully clarified. Most of the defense testimony is being withheld to prevent the authorities from perfecting their frame-up. But the following facts are known.

Sheriff M. R. Carmichael started to take his prisoners out the back way, and the crowd ran around the building to greet the prisoners, and to find out what had happened in that unconstitutionally closed courtroom. Carmichael was boiling mad at the display of solidarity. He gave a crisp order, and his deputies laid down a barrage of tear-gas. The crowd backed away. The sheriff and his deputies ran down, helter-skelter. They opened fire on the tear-gas-blinded workers.

When the gas blew away, Ignacio Velarde lay dead in a pool of blood, and three miners and a woman wounded. Sheriff Carmichael, caught in the cross-fire from his own deputies, was dead. Two deputies were wounded.

Salomon Esquibel, one of the wounded miners, died in the hospital eight days later, on April 12.

Chief Deputy D. Roberts, who stepped into Carmichael's shoes, boasted that he had shot point-blank at Esquibel as he stood facing

him. He repeated his boast later in the courtroom. The autopsy revealed Esquibel had been shot in the back.

The crowd—Roberts later on called it "bloodthirsty"—stood mourning its dead, while Roberts telephoned for an ambulance.

Part of the preparations Gamarco had been making ever since the 1933 strike, to smash the militant fighting spirit of the miners, was the organization of a fascist gang—made up of small business men, some members of the American Legion, and some of the cowboys from the surrounding cattle-country, who, isolated on the ranges, had not developed to an understanding of their community of interest with the miners and the unemployed. A signal for action by this gang had been set. A pre-arranged series of blasts on the town's fire-siren by Roberts, now, brought the members running. He deputized two hundred of them and sent them out to round up "every known Communist, and every leader of the I.L.D., the Unemployment Councils, and other workers' organizations."

Two hundred were arrested that day. A few days later, following a speech of incitement by General John J. Pershing, who stopped by in Gallup to praise the terror, 600 were arrested.

Secretary of Labor's Deportation Department set to work. More than 100 were held without warrant (this is still illegal) for deportation to Fascist Yugoslavia, to Spain, to Mexico.

Out of the 800 arrested (about 15 per cent of the population of Gallup), 48, ten of them women, were held on murder charges. No investigation was made of the deputies who had committed the murders. The frame-up machinery went to work.

Chapter IV.

The Defense

Attorney A. L. Wirin of the American Civil Liberties Union, arriving by plane from Los Angeles, was the first legal defender on the scene. With Clarence Lynch, I.L.D. attorney of Santa Fe, to which city the 48 had been taken for safe-keeping, he proceeded

to organize the legal part of the defense. The entire local leadership of the I.L.D. was under arrest. From Denver, district center of the I.L.D., a mass movement for defense of the Gallup miners was set on foot, linked with the fight against the deportation of thousands of foreign-born unemployed in Colorado.

In New York, the National Executive Committee of the I.L.D. organized a Gallup Defense Committee, with Robert Minor as chairman. It sent David Levinson, attorney in the Reichstag fire-trial and many other labor cases of national and international prominence, to Gallup and Santa Fe to work on the defense. Minor himself, having set the defense machinery in motion on a national scale, proceeded to Santa Fe. A Defense Committee was organized there, cooperating with the national committee and with the committee in Denver.

The preliminary hearing before Judge M. A. Otero, Jr., took four days. The prosecution put on its best and best-coached witnesses. They contradicted each other so much that the story began to crumble. Secretary of Labor Frances Perkins stepped in to help. Her agents, acting under orders from Washington, arrested 13 of the most important defense witnesses, for immediate deportation. Three were arrested in the courtroom itself during the preliminary hearing.

Finally, under the pressure of mounting protest, and the spirited attack of the defense attorneys, Judge Otero was forced to release all but ten. These are held for the grand jury, charged with murder under a law passed before New Mexico became a state, and never used since that time, which holds all those present at the scene of the killing of an officer of the law "guilty of murder." The fact that none of the technicalities called for under that law—the reading of the riot act, etc.—had been complied with, makes no difference to the court.

These are the ten:

Leandro Valerde, married, one son six years old, Spanish-American citizen of the U.S., member of the I.L.D. and the Unemployment Council.

Manuel Avita, married, one child, also member I.L.D. and U.C.
Augustine Cavillo, married, no children, member of the same organizations.

These four are held without bond.

Joe Bartol, married, one son 12 years old, president U.M.W.A. local, financial secretary, I.L.D. branch.

Victorio Correa, married, three children, member I.L.D., U.C.

Gregorio Correa, married, six children, member I.L.D., U.C.

Willie Gonzales, married, two children, member U.M.W.A.

Rafael Gomez, single, member I.L.D., U.C.

Serapio Sosa, married, four children, member I.L.D., U.C.

These are held on \$7,500 bond each. All ten are also charged with aiding a prisoner to escape. \$1,000 bond is set for them on this charge. Besides these, three women and one man are held on the second charge, under \$500 bond. They are:

Mrs. Teresa Avita, one child, member I.L.D., U.C.

Mrs. Altagracia Gomez, five children, member I.L.D., U.C.

Mrs. Dominica Hernandez, member of the same organizations.

Jose G. Lopez, married, member of the I.L.D., U.M.W.A.

Chapter V.

The Real Issues

The Gamerco and the State of New Mexico demand the legal lynching of ten men. Yet it does not dare to charge that a single one of them fired a single shot. Sheriff D. Roberts' testimony was that Valerde and Esquibel fired the shots that killed Carmichael, whereupon he himself, Roberts, shot them. No gun taken from the dead hands of Valerde, or from the wounded Esquibel, has been produced. The testimony regarding weapons in the hands of the crowd was so clumsily faked that Judge Otero was forced to throw it out.

Smashing of the U.M.W.A., the Unemployment Councils, and the I.L.D. in the Southwest, breaking the resistance of the workers

to exploitation, oppression, and terror—these are the real purposes of the prosecution. "This is essentially a trade-union question," as Bob Minor has said.

The issue is the right to organize for economic demands, and against fascist terror.

The open terror is continuing. Two days after the kidnapping of Minor and Levinson, a band of vigilantes drove through town, pouring a rain of bullets into the homes of two miners.

The vigilante violence, the frame-up charges, the deportation proceedings, are part of a campaign of terror sweeping the country from coast to coast. The campaign has thousands of links. The criminal syndicalism convictions in Sacramento, California, and in Oregon; the federal "sedition" convictions in Oklahoma; the Burlington, N. C., "dynamite" frame-up aimed at the United Textile Workers of America; the savage prosecution of the innocent Scottsboro boys and Angelo Herndon; the reign of thuggery and murder against strikers throughout the country; the vigilante terror of Imperial Valley; the hundreds of repressive laws introduced in Congress and in state legislatures; the Ku Klux Klan terror and lynchings throughout the South; the police terror in Harlem and the frame-up of Clyde Allen in Brooklyn—all these are links in the terror chain of the New Deal.

The kidnapping of Minor and Levinson is not isolated. Only two days before, on May Day, Robert Wood, district secretary of the I.L.D., was kidnapped, beaten, and thrown into a creek in the woods near Birmingham, Alabama. On April 28, an organizer of the American Workers Union and an organizer of the Communist Party were kidnapped in Kansas City. This is the record of kidnappings for a few days only.

The violence of the ruling class must be met with the strongest organized defense.

The defense of the Gallup miners is an issue for every trade-unionist, every lover of justice and hater of fascist violence.

Thousands of dollars will be needed to fight these murder charges, and deportation proceedings which in many cases are the

equivalent of sentences of death. Send funds to the Gallup Defense Committee of the I.L.D., Room 610, 80 East 11th Street, New York City.

Send your personal protest, and secure the sending of a protest by your trade union, club, church, fraternal or other organization, demanding the freedom of the Gallup defendants, cancellation of all deportation warrants, to Governor Clyde Tingley, Santa Fe, New Mexico, and Secretary of Labor Frances Perkins, Washington, D. C.

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4. Insist that you be let out on your own recognizance; if they refuse this, demand that bail be set low.
5. Demand a copy of the complaint.
6. Do not sign anything.

Carry on your working class fight in the jail and in court.

Read "What To Do When Under Arrest" which can be bought for 1c. It gives more information what to do when under arrest.

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